IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 7917 of 2005

Between:

1 B.C.Rao, S/o late Sharma Rao, Constable 854500697,
O/o Dy.Commandant CISF Unit, BDL(B), Bhanur, A.P.
2 R.B.Singh, S/o R.Shankar Singh, Constable 884390228,
O/o Dy.Commandant CISF Unit, BDL(B), Bhanur, A.P.
3 S.Balaiah, S/o late Narayana, Head Constable/GD No.754500812,
O/o Dy.Commandant CISF Unit, BDL(B), Bhanur, A.P.

..... PETITIONERS

AND

1 The Deputy Commandant, CISF Unit, BDL (B), Bhanur, A.P.
2 The Director General, CISF Headquarters, Block No.13,
C.G.O's Complex, Lodhi Road, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in withdrawing the Assured Career Progression Benefit Scheme given to the petitioners and proposing the recovery of the amounts paid to the petitioners under the said scheme by the 1st respondent herein vide proceedings No.F-20013/BDL(B)-Accts./REC-OD /2005/517 dt.05-04-2005 issued by the 1st respondent as being arbitrary, illegal, discriminatory, against principles of natural justice and unconstitutional and consequently direct the respondents to restore the benefits under A.C.P. Scheme.

Counsel for Petitioners: MR. D.L.PANDU

Counsel for Respondents: MR. A.RAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

The Court made the following:

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ORDER:

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This writ petition is filed to declare the action of the respondents in withdrawing the Assured Career Progression benefit scheme given to the petitioners and ordering for recoveries of the amounts paid to the petitioners under the said scheme, which were already recovered by the 1st respondent herein vide proceedings No.F-20013/BDL(B)-Accts. REC-OD/2005/517 dated 05-04-2005 as arbitrary and illegal.

Heard the learned Counsel for the petitioners and the learned Standing Counsel for Central Government.

Admittedly, alternative remedy by filing application under Rule 56 of CISF Rules, 2001 is available to the petitioners so as to bring it to the notice of the higher officials to seek redressal of the grievance.

Therefore, without going into the merits of the case, the writ petition is disposed of with a direction to the respondents to take appropriate decision on the representation that may be filed by the petitioners under Rule 56 of C.I.S.F. Rules, 2001 and the same shall be disposed of after giving reasonable opportunity to the petitioners within four weeks from the date of filing of such representation. In the meanwhile, the interim order dated 08-04-2005 granted by this Court is vacated.

The writ petition is accordingly disposed of. No costs.

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K.C.BHANU, J

08th July, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Commandant, CISF Unit, BDL (B), Bhanur, A.P.
2 The Director General, CISF Headquarters, Block No.13,
C.G.O's Complex, Lodhi Road, New Delhi.

3 Two CD copies.

4 One CC to Sri D.L.Pandu, Advocate (OPUC).

5 One CC to Sri A.Rajasekhara Reddy, Advocate (OPUC).